

REMARKS

I. Status of the Claims

Upon entry of this Amendment, claims 1-23, 28-29, and 39-44 are pending, with claims 39-44 being newly added by this Amendment. Claims 3 and 9 are withdrawn as non-elected.

Without prejudice or disclaimer, claims 30-38 have been canceled. The subject matter of claims 30-38 now appears in the claims of co-pending U.S. patent application No. 10/671,545, which is a division of the present application.

Also without prejudice or disclaimer, claim 10 has been amended to delete certain subject matter. That subject matter is now distributed among new claims 39-44. Accordingly, no new matter has been added to this application by this amendment.

II. Claim Rejection under 35 U.S.C. § 112, ¶ 2

Claim 10 remains rejected under 35 U.S.C. § 112, ¶ 2, for allegedly being indefinite. Final Office Action at pages 3-4. The Examiner alleges that the claim recites a range within a range. *Id.* at page 3.

Without acquiescing to the rejection, Applicants have amended claim 10 and added claims 39-44 to distribute the disputed subject matter across several claims. This distribution avoids the conclusion that any one of the claims contains a range within a range, or that any of the claims are indefinite. For example, “acrylate copolymers” appears in claim 10, “acrylate/acrylamide copolymers” now appears in claim 39, and “acrylate/octylacrylamide copolymers” now appears in claim 40. *C.f.* Final

Office Action at page 3. Claims 41-44 recite yet other groups originally claimed in claim 10. This rejection, therefore, should be withdrawn.

CONCLUSION

Applicants respectfully request entry of the present Amendment and reconsideration of the indefiniteness rejection of claim 10. Because this Amendment renders the indefiniteness rejection moot, it places the claims in better form for appeal, and so should be entered. See 37 C.F.R. § 1.116.

Please grant any extensions of time required to enter this Amendment and charge any additional fees required under 37 C.F.R. §§ 1.116 and 1.117 to our Deposit Account No. 06-0916.

Respectfully submitted,
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By: 

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